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July 4, 2010: Happy Fourth of July

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Title: Happy Fourth of July

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7/4/2010—The Fourth of July is a good day to consider just why I am so certain that adoption of traditional religious language must be permissible under the Establishment Clause. Among the most aggressive secularists, there is an uneasiness with the Declaration of Independence and a desire to shift attention to the supposedly “godless constitution”, which is then said to constitute a real, legal basis for the public square rather than the nonlegal character of the Declaration. There are several problems with this approach. For one thing, the Declaration of Independence, as is clear today especially, is America’s founding document, not the Constitution. This is true both literally—we were a country before we adopted the Constitution, under the Articles of Confederation—and even more true politically. No one reads the Constitution on the Fourth of July and not just because of the date. It is the Declaration that set the world on fire, not anything later. To put it bluntly, we fought the Civil War to vindicate the Declaration of Independence’s promise of equality despite the Constitution’s compromise with slavery. Another problem with this approach is that both the Declaration and the Constitution are natural law documents. Natural law does not require God but it does require that there be something real about values that can be symbolized by the word God. So let us all read the Declaration of Independence today with real conviction and not a begrudging spirit. Yes, human rights are universal and inherent, just as Jefferson thought. And yes, there still is no unique subjective will separate from the universe. There is no God or Creator as such. Nevertheless, God and Creator are good symbols for universality and inherence. Our rights are not subject to the whims of men and women. That is the message of the Fourth of July.